

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye
Marshall Johnson
Ken Nickolai
Thomas Pugh
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Review of the 2005 Annual
Automatic Adjustment of Charges for All
Electric and Gas Utilities

ISSUE DATE: July 19, 2006

DOCKET NO. E,G-999/AA-05-1403

ORDER REQUIRING ADDITIONAL
INFORMATION IN 2006 ANNUAL
AUTOMATIC ADJUSTMENT REPORTS
AND REQUESTING COMMENTS

PROCEDURAL HISTORY

A \$72 million settlement has been reached in a class action lawsuit on behalf of all persons who purchased, sold, or settled New York Mercantile Exchange (NYMEX) Natural Gas Contracts between June 1, 1999 and December 31, 2002.¹

The Commission met to consider this matter on June 29, 2006.

FINDINGS AND CONCLUSIONS

To participate in the distribution of the NYMEX class action settlement fund, a proof of claim must be filed by July 28, 2006. Legal notice of this settlement agreement has been provided to potential members of this class. At least one Minnesota electric utility was actively purchasing NYMEX natural gas contracts during the class period and collecting the cost of purchasing these contracts through its automatic fuel cost adjustment mechanism.

The Commission has an interest on behalf of Minnesota ratepayers to promote prudent participation in the settlement by any affected Minnesota utility. The Commission will therefore take the action set forth in Order Paragraphs 1 - 4, below.

ORDER

¹ For further information about this settlement, see the website for this class action lawsuit: www.naturalgascase.com.

1. In their September 1, 2006 AAA (annual automatic adjustment of charges) reports, all Minnesota energy utilities shall show whether they engaged in any NYMEX natural gas futures or options transactions during the class period of June 1, 1999 through December 31, 2002.
2. In their September 1, 2006 AAA reports, all Minnesota energy utilities that engaged in NYMEX natural gas futures or options transactions during the class period shall explain whether they have filed, or will file by July 28, 2006, a proof of claim for a distribution from the settlement fund, or requested, and were granted, exclusions from the class.
3. The Department is requested to provide in its review of the utilities' 2005-2006 AAA reports comments and recommendations on the utilities' showings in this matter.
4. The Commission also requests that any other interested party submit comments at the same time the Department submits its review.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-201-2202 (voice) or 1-800-627-3529 (MN relay service)